

DRAFT-II

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Servants – Endowments Department – Sri Ch.Durga Prasad, Asst. Commissioner (Retired), Endowments Department filed W.P.No. 25878 of 2022 before the Hon'ble High Court – Re-Examined his case in compliance with the orders dt: 23.08.2022 – Imposing (3%) three percent of cut in pension permanently against him - Orders– Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.41

Dated: 09.01.2023.

Read the following:

1. Revision petition dated 23.09.2019 filed by Sri Ch.Durga Prasad, Retired Assistant Commissioner, Endowments Department, Eluru, West Godavari district.
2. From CED's letter No.V1/20026/9/2019, dated 04.12.2019 &26.11.2021.
3. G.O.Rt.No.408 Revenue (Vig-IV) Department dated: 02.06.2022.
4. W.P.No 25878 of 2022 filed by Sri Ch.Durga Prasad, Assistant Commissioner, Endowments Department, orders dated: 23.08.2022.
5. From CED, Lr. in Rc.No.V1/20026/9/2018, Dated: 02/11/2022
6. Explanation dated: 18.11.2022 received from Sri Ch.Durga Prasad, Retired Assistant Commissioner, Endowments Department .
7. From CED, Lr. in Rc.No.V1/20026/9/2018, Dated: 22/11/2022.

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ORDER:-

Whereas, in the reference 1st read above, Sri Ch.Durga Prasad, Assistant Commissioner, Endowments Department has filed an appeal before the Government against the punishment of stoppage of (1) one increment with cumulative effect imposed by Commissioner, Endowments Department Vijayawada vide his proceedings dated 26.08.2019.

2. Whereas, in the reference 2nd read above, Commissioner of Endowments Department has reported that as many as (5) charges were framed against him. After following due procedure he has concluded the disciplinary proceedings against him by imposing a penalty of stoppage of (1) one annual grade increment with cumulative effect, just before retirement of the appellant.

3. Whereas, as seen from the details of the case of the appellant, it is observed that there is no merits in his appeal, but it is noticed that the penalty imposed by the Commissioner of Endowments Department cannot be implemented as the officer has already retired from service on 31.08.2019. Therefore, it was provisionally decided to modify the punishment and to impose cut (3%) three percent in monthly pension permanently.

4. And whereas an opportunity was given to the appellant to submit his explanation In turn he has submitted his explanation to the Government. As seen from his explanation, it is observed that there are no new grounds to reconsider the decision. Hence it is decided that to reject his appeal petition dated 23.09.2019 and decided to modify the punishment imposed by Commissioner of Endowments Department to that of 3% cut in monthly pension permanently against Sri Ch. Durga Prasad, Assistant Commissioner (Retired) instead of penalty of stoppage of (1) one annual grade increment with cumulative effect. Accordingly, Government have issued orders vide reference 3rd cited.

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5. Aggrieved by the above orders, Sri Ch. Durga Prasad, Assistant Commissioner (Retired) has filed W.P.No.25878 of 2022 before the Hon'ble High Court. The Hon'ble High Court has passed the following final orders Dated: 23.08.2022.

" having regard to the facts and circumstances, the impugned orders issued in Rc.No.20026/9/2018, Dt:26.08.2019 by the 2nd respondent and G.O.Rt.No.408, Revenue (Vigilance .IV) Department, Dated.02.06.2022 G.O.Rt.No.408, Revenue (Vigilance.IV) Department, Dated:02.06.2022 issued by the appellate Authority are set-aside, and the matter is remanded back to the 2nd respondent for fresh consideration, after affording an opportunity to the petitioner, and pass appropriate orders in the light of judgement of this court in W.P.No.24452 of 2020, Dt: 08.02.2021 within a period of (8) eight weeks from the date of receipt of the order"

6. Whereas, the Hon'ble High Court has remanded back to this case to the CED i.e. 2nd respondent in the WP for fresh consideration, he has issued a notice to Sri Ch.Durga Prasad, Assistant Commissioner (now retired) to attend before him on 18.11.2022 at 4:00 P.M with relevant records and explanation along with fresh grounds if any for the charges framed against him, . Accordingly During, the time of hearing the individual has not put forth any new grounds other than the contentions submitted by him in his explanation dated: 31.08.2018.

7. Whereas the CED has reported in final that it is crystal clear that the charged officer has declared that Sri Seetharama Anjaneya Swamy Temple, Poranki(V), Pennamaluru(M), Krishna District as private temple without having any jurisdiction and as per section 87 of the Act, the Endowments Tribunal is competent authority to declare any institution as public or private institution, which is evident that the charged officer has acted beyond his limits, which caused the Department to fail before the Hon'ble District Court, Machilipatnam and Hon'ble High Court of A.P and also failed to implement the orders of Regional Joint Commissioner, MZ-I for taking steps for publication and registration and also failed to submit proposals to the District Collector of Section 22(A)(1)(C) to prevent the illegal sales of the temple lands. It is very clear that the District Collector has taken steps to prepare appeal on the title of High Court, Hyderabad and the orders issued by the lower court in O.A.No.355/2015 and also failed to submit facts of the case to the Higher Authorities etc.

8. After examining the report of the CED the Government have noticed the following irregularities:-

- a) As per Section 87 of the Act 30/87 the Endowments Tribunal is the competent authority to declare temple / institution as public or private institution,
- b) The charged officer has given RTI reply basing on the A.P. H.R. Endowments Act 1927, duly without considering the Act 1987 which is in force, which is evident that the charged officer has acted beyond his limits.
- c) The charged officer mischievously gave reply to the petitioner under RTI Act and issued a judicial order declaring that the Endowment Act Provisions shall not apply to Sri Seetharama Anjaneya Swamy Temple, Poranki(V), Pennamaluru(M), Krishna District and declared it is a private family temple .
- d) The charged officer has failed to implement the instructions of the Regional Joint Commissioner, MZ-I for publication, for registration and to submit proposals to the District Collector for inclusion of the Lands in to prohibited List under Section 22(A)(1)(C) to prevent the illegal sales of the temple lands.

In discharging the duties, the charged officer has gave the evidence against the interest of the department before the trial court in O.A.No.355/2015 and make paved wave for illegal registration of temple land. Thus acted adversely to the interest of the institution and also against the department.

- e) The District Collector has taken steps to prefer an appeal before the Hon'ble High Court, Hyderabad on the orders issued by the lower court in O.A.No.355/2015 with a prayer to set aside the orders of the Lower Court. The C.M.A No 1008/2016 is still pending before the Hon'ble High Court.
- f) The charged officer has not even informed to the Commissioner Endowments about filing of the CMA NO. 1008/2016 by the District Collector.

9. Government after careful examination of the above reasons have concluded to reject the appeal of Sri Ch.Durga Prasad, Retired Asst. Commr., Endowments Department, Eluru. Accordingly here by orders to impose (3%) three percent of cut in pension permanently against him for the grave irregularities committed by him while discharging his official duties.

10. The Commissioner, Endowment Department, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**HARI JAWAHARALAL
PRINICIPAL SECRETARY TO GOVERNMENT**

To

Sri Ch.Durga Prasad, Asst. Commr. (Retired), Endowments Department, Eluru, West
Godavari district (through Commissioner of Endowment, Vijayawada.)
The Commissioner of Endowment, Andhra Pradesh, Vijayawada.
The Accountant General, Vijayawada
The Pay and Accounts Officer, Vijayawada
The Director of Treasuries and Accounts, Vijayawada
The P.S. to Hon'ble Minister (Endt.).
Sc/Sf.

// FORWARDED:: BY ORDER//

R. Vijay Kishore
SECTION OFFICER